

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5163 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- SC/ST District- Samastipur

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1. Makeshwar Yadav Son of Late Laddu Lal Yadav Resident of Village - Dudhpura, P.S.- Hasanpur, District- Samastipur
 2. Bablu Yadav Son of Ram Vilas Yadav Resident of Village - Dudhpura, P.S.- Hasanpur, District- Samastipur
 3. Raju Kumar Yadav @ Chotku Yadav Son of Chattu Yadav Resident of Village - Dudhpura, P.S.- Hasanpur, District- Samastipur
 4. Sunil Yadav Son of Ram Vilash Yadav Resident of Village - Dudhpura, P.S.- Hasanpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhubneshwar Prasad, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 149, 323, 341, 379, 504 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants caught hold of the collar of the brother of the informant and they abused him by taking his caste



name and they also assaulted him by means of fists and slaps.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. No deadly weapon is said to have been used in course of occurrence. F.I.R. has been instituted after seven days of the alleged occurrence. The delay has not been explained by the prosecution. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24.09.2019, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur vide A.B.P. No.2022 of 2019 in connection with Samastipur SC/ST P.S. case No.19 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Samastipur SC/ST P.S. case No.19 of 2019.

(Sudhir Singh, J)

Narendra/-

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